

Monday, 20 May 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS
On Request for Temporary Parole
For Accused HIROTA, Koki
to Attend the Funeral of His Wife.

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Before:

HON. SIR WILLIAM F. WEBB, President
of the Tribunal and Member from
the Commonwealth of Australia;

HON. HENRI BERNARD, Member from the
Republic of France;

HON. ERIMA HARVEY NORTHCROFT, Justice,
Member from the Dominion of
New Zealand;

HON. I. M. ZARYANOV, Justice,
Member from the Union of Soviet
Socialist Republics;

HON. LORD PATRICK, Member from the
United Kingdom of Great Britain
and Northern Ireland.

HON. R. B. PAL, Member from India.

A P P E A R A N C E S

Defense Section:

CAPTAIN ALFRED W. BROOKS and
HANAI, Tadashi for the Applicant-
Accused HIROTA, Koki.

Prosecution Section:

MR. FRANK TAVENNER, JR., for
Mr. Joseph B. Keenan, Chief of
Counsel, acting on behalf of
the United States of America.

For the Office of the General Secretary, IMTFC:

EDWARD H. DELL,
Legal Adviser to the Secretariat;

G. WALTER BOWMAN,
Clerk of the Court; and

CHARLES A. MANTZ,
Deputy Clerk.

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THE PRESIDENT: This is an application for temporary parole by the accused HIROTA, Koki whose wife died on Saturday evening at a quarter to eight, and she is to be buried tomorrow, I don't know at what hour.

Will counsel for the accused come forward and take his seat?

CAPTAIN BROOKS: This is the counsel (indicating HANAI, Tadashi). I am Captain Brooks, American defense counsel. I was asked to assist HANAI, Tadashi; he can't speak very much English.

THE PRESIDENT: You are counsel for HIROTA also; you are American counsel for HIROTA?

CAPTAIN BROOKS: I have just been asked to assist him.

THE PRESIDENT: You are just an interpreter really?

CAPTAIN BROOKS: Interpreter and assistant -- whatever proceedings are necessary.

THE PRESIDENT: When is Mrs. HIROTA to be buried -- the hour?

CAPTAIN BROOKS: I understand she will be buried tomorrow.

THE PRESIDENT: Tomorrow morning or tomorrow afternoon? We have to specify the times between which he may be absent from jail if we grant the application.

CAPTAIN BROOKS: We have an interpreter that speaks Japanese.

THE PRESIDENT: Get an interpreter, will you please?

CAPTAIN BROOKS: Mr. President, it may be possible that the counsel does not know the date --

THE PRESIDENT: We want to know the hours between which he would be absent.

CAPTAIN BROOKS: I mean the hour, because I was requested by the family this morning -- I was absent, but I was requested by someone representing the family to find out if he could get it -- if I would draft this application and get in touch with him. As to the time, afterward they did call me at my office; a man left word it would be 21 May, but he did not leave the hour. But who called, I don't know; whether counsel knows I am not sure, but it is tomorrow as I understand -- sometime tomorrow. The hour, if authorized, can be arranged by the prison authorities with respect to this permit. They make the arrangements.

THE PRESIDENT: How long does a Japanese funeral last? Perhaps the defense counsel can tell us. How long would a Japanese funeral take? Will it take all day, or will it take so many hours?

MEMBER FROM THE UNITED KINGDOM OF GREAT BRITAIN

AND NORTHERN IRELAND: Does it take all day -- the funeral, the burial of this man's wife?

MEMBER FROM THE DOMINION OF NEW ZEALAND: I don't think it is safe to try to determine until we get an interpreter.

THE PRESIDENT: Possibly not.

CLERK OF THE COURT: Sir William, my deputy is familiar with that somewhat, and he says it takes all day; it is a long process.

THE PRESIDENT: We will get it from them. I thought it might be.

(At this point, OKA, Tadashi, official interpreter, entered and proceeded to act as interpreter.)

CAPTAIN BROOKS: The Court wishes to know how long it will take. Ask him if he knows what time the funeral is tomorrow, the funeral of Mr. HIROTA'S wife? Ask him at what time the funeral will be held tomorrow, if he knows the hour and how long it will take. Will it take a few hours or all day?

THE PRESIDENT: Will you tell us, Interpreter? You are a sworn interpreter, are you not?

INTERPRETER OKA: Yes.

THE PRESIDENT: What did he say?

INTERPRETER OKA: Nothing is decided as yet.

THE PRESIDENT: Well, can anybody tell us when the funeral will start and when it will end?

INTERPRETER OKA: He won't know until he is able to leave Sugamo Prison.

THE PRESIDENT: Well, I think we will have to find out before that.

CAPTAIN BROOKS: If the Court please, I think what they have done, as they have stated in their petition, they ask for on or about 21 May -- they are probably waiting to set the hour until they, meaning the family, know that the husband will be present. I think if the Court will grant that on or about the date set of 21 May, they then set the hour for the proceedings -- for the officer to go with this man.

THE PRESIDENT: This is a very serious matter. I have never granted this in my experience, but I think it can be done. It isn't a small thing. We will have to discuss that among ourselves, but take this as being a very serious matter. We want to know the hours between which this funeral will take place.

MEMBER FROM THE DOMINION OF NEW ZEALAND: What is the customary period of time that it takes for a ceremony of this sort; can we be told that?

THE PRESIDENT: Approximately a day I would understand.

MEMBER FROM THE DOMINION OF NEW ZEALAND: Let us find out from the Japanese, please, unless you have personal knowledge.

CAPTAIN BROOKS: There are two previous cases like this on record, that is prisoners out at Sugamo Prison: Mr. Murata and Mr. Okabe, who were prisoners.

THE PRESIDENT: They were not indicted on this charge.

CAPTAIN BROOKS: There have been a number before which have been handled previously on court order, matters of this type, through the authority of the Secretariat.

MEMBER FROM THE KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: Is the application one on parole?

CAPTAIN BROOKS: Yes. In other words, for temporary parole allowing him to go under escort with this man to such and such a place.

THE PRESIDENT: Escorted by whom?

CAPTAIN BROOKS: By such officials or such guard as the Sugamo Prison authorities deem necessary for security purposes, depending upon the length of the trip; in one case it would very likely be short, in another case it might be quite a distance. I don't know just where this place is -- Kanagawa Prefecture, Fujisawa City -- how far that is -- I don't think it is very far.

THE PRESIDENT: Where is Fujisawa, ask him, from

Sugamo?

INTERPRETER OKA: About one hour by train.

THE PRESIDENT: It must be twenty or thirty miles, one hour by train.

MEMBER FROM THE DOMINION OF NEW ZEALAND: Is Fujisawa up beyond Yokohama? We drove through it.

MEMBER FROM THE KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: The train went through it when we went to Kyoto.

MEMBER FROM THE DOMINION OF NEW ZEALAND: It is a little south of Yokohama, is that it?

MEMBER FROM THE KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: Yes.

THE PRESIDENT: Perhaps we had better have a discussion among ourselves for a few minutes.

MEMBER FROM THE DOMINION OF NEW ZEALAND: Do you know what the security people have to say about it?

MR. TAVENNER: I know nothing about the security angle, I am here representing the International Prosecution.

THE PRESIDENT: Just to abide by any order or to consent?

MR. TAVENNER: Merely, as far as our department is concerned, to state that any arrangement would be satisfactory about attending the funeral.

THE PRESIDENT: To agree, so far as the security side being protected.

MR. TAVENNER: Yes. There have been several instances in which arrangements have been made before the Tribunal arrived here, and all that I know about the arrangements is that the Sugamo Prison officials accompanied the person by a sufficient guard.

THE PRESIDENT: There were no stipulations about security or about distances, or anything like that as may be done in some cases?

MR. TAVENNER: No, sir.

THE PRESIDENT: I think I will ask you to retire now while I ask the Members of the Court to confer.

(At this point Mr. Tavenner left the room. The Members of the Tribunal thereupon conferred among themselves and announced that the application, by majority vote, is dismissed and the proceedings were concluded at 1645.)